

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MICHAEL BERRY,

Plaintiff,

VS.

KIOR, INC., *et al.*,

Defendants.

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CIVIL ACTION NO. H-13-2443

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION  
FOR LEAVE TO FILE SECOND AMENDED COMPLAINT  
AND MODIFY SCHEDULING ORDER**

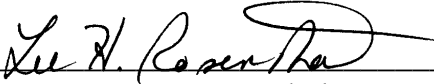
Lead plaintiffs, Dave Carlton and Sharon Kegerreis, filed an Unopposed Motion for Leave to File the Second Amended Class Action Complaint and modify the court's November 25, 2013 Scheduling and Docket Control Order. (Docket Entry No. 48). The motions are granted. The plaintiffs must file the Second Amended Class Action Complaint on or before May 27, 2014. That pleading will replace the prior complaint.

The court's November 25, 2013 Scheduling and Docket Control Order is modified as follows:

- Defendant's Motion to Dismiss (Docket Entry No. 41) is denied as moot.
- Defendants will file their motion to dismiss plaintiff's Second Amended Class Action Complaint on or before **July 3, 2014**.
- Plaintiffs will file their opposition to defendants' Motion to Dismiss on or before **August 11, 2014**.
- Defendants will file their Reply and Supplemental Briefing regarding *Halliburton Co. v. Erica P. John Fund, Inc.*, on or before **August 25, 2014**.

- Plaintiffs will file their Response to defendants' Supplemental Briefing Regarding *Halliburton Co. v. Erica P. John Fund, Inc.*, on or before **September 8, 2014**.
- Oral argument for defendants' Motion to Dismiss will be held **September 26, 2014**, at 8:30 a.m. in Courtroom 11B.

SIGNED on May 29, 2014, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge